

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2007-449-T - ORDER NO. 2008-230
APRIL 1, 2008

IN RE: Application of Tracy L. Davis and Matthew)	ORDER GRANTING
B. LaQua d/b/a Ash & T's Apartment)	CLASS "E" MOTOR
Movers for a Class E (Household Goods))	CARRIER CERTIFICATE
Certificate of Public Convenience and)	OF PUBLIC
Necessity for Operation of Motor Vehicle)	CONVENIENCE AND
Carrier)	NECESSITY

This proceeding before the Public Service Commission of South Carolina ("Commission") arises under the authority of S.C. Code Ann. §§ 58-23-210, 58-23-260, and 58-23-330 and is governed by 26 S.C. Code Ann. Regs. 103-130 through 103-134, and 103-821. The purpose of this proceeding is to consider the application of Tracy L. Davis and Matthew B. LaQua d/b/a Ash & T's Apartment Movers ("Applicant") seeking a Class E Certificate of Public Convenience and Necessity, as defined by 26 S.C. Code Ann. Regs. 103-210(1), for authority to move household goods in Berkeley, Charleston, and Dorchester Counties. The Applicant filed its Application on December 10, 2007. Pursuant to 26 S.C. Code Ann. Regs. 103-821(C)(3)(a), in support of its application, the Applicant published a notice of filing in *The Post and Courier* newspaper on December 17, 2007. No parties intervened.

A hearing on the Application was held on March 19, 2008, in the offices of the Commission. Tracy L. Davis appeared *pro se* and was the sole witness testifying on

behalf of the Applicant. The South Carolina Office of Regulatory Staff (“ORS”) was represented by Shealy Boland Reibold, Esquire.

At the hearing, Ms. Davis testified that she sought a Class E Certificate of Public Convenience and Necessity authorizing her company to move household goods within the area of Berkeley, Charleston, and Dorchester Counties. She stated that she had not been made aware that she was required to obtain the Certificate and that she had already commenced advertising her business when an inspector from the Office of Regulatory Staff informed her that she needed to have the Certificate in order to operate a household goods moving business. After being placed on notice that she needed to be certificated by the Public Service Commission, Ms. Davis immediately suspended advertising efforts and began the process of obtaining the necessary Certificate. She testified that she is now familiar with the Rules and Regulations governing her business and has agreed to comply with all of them.

George Parker, manager of the Transportation Department with ORS, also testified at the hearing. In this testimony, Parker stated that he found the application to be in order. Parker also stated that he found the Applicant’s equipment and facilities to be acceptable during his own inspection of the premises and testified that the rates proposed by the business were reasonable. Further, Parker testified that he is satisfied that the Applicant’s failure to obtain a Class E Certificate was unintentional, and that Ms. Davis has been very cooperative, has demonstrated good faith, and has done everything the ORS has asked her to do in connection with the application.

The Commission finds the Application to be in order. Furthermore, we conclude that the Applicant has demonstrated that it is fit, willing, and able to operate as a household goods mover between points and places in Berkeley, Charleston, and Dorchester Counties pursuant to S.C. Code Ann. § 58-23-330 (Supp. 2007) and 26 S.C. Code Ann. Regs. 103-133 (Supp. 2007) and that the public convenience and necessity is not already being served by existing authorized service. Therefore, the Application should be granted.

IT IS THEREFORE ORDERED:

1. That the Application of Tracy L. Davis and Matthew B. LaQua d/b/a Ash & T's Apartment Movers for a Class E Certificate of Public Convenience and Necessity be, and hereby is, approved for the Applicant to transport household goods between points and places in Berkeley, Charleston, and Dorchester Counties.
2. The Applicant shall file with the Office of Regulatory Staff the proper insurance, safety rating, and other information required by S.C. Code Ann. Section 58-23-10 et. seq. (1976), as amended, and by 26 S.C. Code Ann. Regs. 103-100 through 103-241 of the Commission's Rules and Regulations for Motor Carriers, as amended, and 23A S.C. Code Ann. Regs. 38-400 through 38-503 of the Department of Public Safety's Rules and Regulations for Motor Carriers, as amended, within sixty (60) days of the date of this Order, or within such additional time as may be authorized by the Commission.
3. Upon compliance with S.C. Code Ann. Section 58-23-10 et. seq. (1976), as amended, and the applicable Regulations for Motor Carriers, S.C. Code Ann. Regs.

Vol. 26 (1976), as amended, a Certificate shall be issued by the Office of Regulatory Staff authorizing the motor carrier services granted herein.

4 Prior to compliance with the above-referenced requirements and receipt of a Certificate, the motor carrier services authorized herein shall not be provided.

5 Failure of the Applicant either (1) to complete the certification process by complying with the Office of Regulatory Staff requirements of causing to be filed with the Commission proof of appropriate insurance and an acceptable safety rating within sixty (60) days of the date of this Order or (2) to request and obtain from the Commission additional time to comply with the requirements of the Commission as stated above, may result in the authorization approved in the Order being revoked.

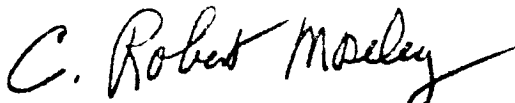
6 This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:



G. O'Neal Hamilton, Chairman

ATTEST:



C. Robert Moseley, Vice Chairman

(SEAL)